

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

ÖBERG et al

Serial No. 09/643,993

Filed: August 23, 2000

For: PROTECTION OF WDM-CHANNELS



Atty. Ref.: 2466-69

Group: 2664

Examiner: unknown

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

PETITION UNDER RULE 47(A)

In accordance with the provisions of 37 CFR §1.47(a), 35 USC §116, second paragraph, and MPEP §409.03(a), it is respectfully requested that available joint inventors Magnus Öberg and Jonas Hemgren be permitted to make application for United States letters patent on behalf of themselves and joint inventor Nigel Robert Wood. The captioned application and a Declaration signed by available joint inventors Magnus Öberg and Jonas Hemgren are submitted simultaneously with this Petition.

As evidenced by the attached Declaration of Ulvi Miller, joint inventor Nigel Robert Wood either is unreachable at the last address known, or refuses to join in the captioned application. Attached to the Declaration of Ulvi Miller are documents evidencing the attempt to reach joint inventor Nigel Robert Wood.

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The last known addresses of the joint inventor Nigel Robert Wood is as follows:

Nigel Robert Wood
Marconi Communications,
Caswell, Towcester, Northants,
NN128EQ, United Kingdom

The fee of 37 CFR §1.17(i) is attached. The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

It is respectfully requested that the Petition be granted.

Respectfully submitted,

NIXON & VANDERHYE P.C.

May 14, 2001

By: *H. Warren Burnam*

H. Warren Burnam, Jr.
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OBERG et al
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May 8, 2001

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

**DECLARATION OF ULVI MILLER IN SUPPORT OF
PETITION UNDER RULE 47(a)**

I, Ulvi Miller, depose and declare as follows:

1. I am an employee specializing in patent matters of the Swedish patent firm of BERGENSTRÅHLE & LINDVALL AB, having offices at the following address:
Medborgarplatsen 25, P.O. Box 17704, S-118 93 Stockholm, SWEDEN.

2. The firm of BERGENSTRÅHLE & LINDVALL AB was authorized by the assignee of the captioned application, Telefonaktiebolaget LM Ericsson (publ), to coordinate the filing of the captioned application in the United States, including obtaining necessary signatures of the joint inventors for the United States Declaration and assignment documents.

3. On September 9, 2000 I sent a letter to Mr. Nigel Wood, forwarding, e.g., the United States Declaration and assignment documents and requesting that they be executed and

returned to my office. A true and accurate copy of the September 9, 2000 letter is attached as Exhibit 1.

4. Reminder letters were sent to Mr. Wood on January 18, 2001 and February 19, 2001. True and accurate copies of the January 18, 2001 February 19, 2001 letters are attached as Exhibit 2 and Exhibit 3, respectively.

5. On February 19, 2001, I also sent an email message to the assignee, advising of my difficulty in obtaining the executed documents from Mr. Wood. A true and accurate copy of the February 19, 2001 email message is attached as Exhibit 4.

6. On February 20, 2001, the assignee respond to my email message of February 19, 2001, advising of the possibility of filing a Rule 47(a) declaration in the United States. A true and accurate copy of the February 20, 2001 email message which I received is attached as Exhibit 5.

7. On March 30, 2001 the assignee provided me with other information in an effort to contact Mr. Wood. This other information included an email address of a company identified by the assignee's records as being Mr. Wood's employer (Marconi Communications) and a telephone number. A true and accurate copy of the March 30, 2001 email message which I received is attached as Exhibit 6.

8. On April 4, 2001 the assignee provided me with an address for Mr. Wood's employer: Marconi Communications, Caswell, Towcester, Northants, NN128EQ, United Kingdom. While other addresses utilized in an attempt to reach Mr. Wood may be viable residential addresses, this is the last known business address. A true and accurate copy of the April 4, 2001 email message which I received is attached as Exhibit 7.

9. On April 4, 2001, I sent a package including the US Declaration and Assignment documents to Mr. Wood at the address mentioned in the email of that date from the assignee. A true and accurate copy of the April 4, 2001 letter to Mr. Wood is attached as Exhibit 8.

10. The letter of Exhibit 8, along with the US Declaration and Assignment documents, was sent by fax, as indicated by the fax transmittal and fax confirmation receipt of Exhibit 9 (which are true and accurate copies of a business record of BERGENSTRÅHLE & LINDVALL AB).

11. Exhibit 10 is a true and accurate copy of a DHL airwaybill attesting to shipment to Mr. Wood of the package of paragraph 9. Exhibit 11 is a true and accurate copy of a DHL reporting attesting to shipment to Mr. Wood of the package of paragraph 9.

12. No response has been received by me from Mr. Wood regarding the captioned application.

13. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By: Ulvi Miller
Ulvi Miller.

S May 2001